

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

TYRONE MCKEOWN, )  
Plaintiff, )  
v. ) No. 3:08-CV-101  
MICHAEL J. ASTRUE, ) (Phillips/Guyton)  
COMMISSIONER OF SOCIAL SECURITY, )  
Defendant. )

MEMORANDUM AND ORDER

This Social Security appeal is before the court on the report and recommendation filed by United States Magistrate Judge H. Bruce Guyton [Doc. 25]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. See 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the court is in complete agreement with the magistrate judge's conclusion that plaintiff's first motion for attorney fees be denied as moot, that plaintiff's amended motion for attorney fees be granted, and that plaintiff be awarded the amount of \$1,624.90 in attorney fees. Accordingly, the court **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the

court adopts and incorporates into its ruling, that the plaintiff's first motion for attorney fees [Doc. 20] is **DENIED AS MOOT**; and plaintiff's amended motion for attorney fees [Doc. 22] is **GRANTED**, whereby plaintiff is awarded attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$1,624.90.

**IT IS SO ORDERED.**

**ENTER:**

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s/ Thomas W. Phillips  
United States District Judge